

REMARKS

The Office Action dated July 9, 2004 has been carefully considered. The present Amendment is intended to be a complete response and to place the case in condition for allowance.

In the Action, the Examiner has stated informalities with the claim of priority. In the Specification, the Examiner has objected to the legal phrasing such as “means” or “said.” Claims 40-42 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 40-42 are rejected under 35 USC § 103(a) as being obvious over U.S. Patent No. 5,828,575 (Sakai) in view of either JP 11-000718 or JP 10-225724.

The Abstract has been amended to address the Examiner’s objections. Reconsideration and withdrawal of the objections are respectfully requested.

The specification has been amended to set forth the claim of copendency back to the national stage entry based upon a PCT application. A proper claim of priority is now set forth. Reconsideration and withdrawal of the objection to the claim of priority are respectfully requested.

With respect to indefiniteness rejection under § 112, claim 40 is amended by changing “divided tools,” “the tool magazine” and “the tool (cross section shape) type” which are indicated by the Examiner into “the divided tools,” “a tool magazine” and the “the tool type,” respectively, and to recite “divided tools each having a tool type.” Claim 41 is amended to correct the typographical errors identified by the Examiner. These amendments are clarifying

in nature and are not intended to be, nor believed to be, narrowing. Reconsideration and withdrawal of the § 112 rejections are respectfully requested.

Applicants respectfully traverse the § 103 rejection. U.S. Patent No. 5,828,575 (Sakai) is related to an apparatus and method for storing design and manufacturing information in the form of electronic data so as to be accessible from any location in a factory. Sakai discloses a job scheduling system that determines which machines are best suited for doing particular jobs, which machines are available to perform a particular job, or the like. JP 11-000718 and JP 10-225724 discloses a tool exchange device that automatically exchanges tools between a bending machine and tool storage shelves.

However, these applied patent documents fail to disclose determining a production order for a bending machine according to present positions of tools to be used in producing bent products, so that bent products that use tools mounted on the bending stations or tools housed in the tool housing devices are manufactured before manufacturing bent products that use tools housed in the tool magazine provided outside the bending press. These applied patent documents also give no suggestion of such production order determination. As such, there is no basis for the combination of references. Reconsideration and withdrawal of the § 103 rejection are respectfully requested.

As all grounds of objection and rejection have been addressed and overcome, entry of this Amendment and issuance of a Notice of Allowance of the pending claims, as now presented, are respectfully solicited.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the

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undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000004-00682). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees due are authorized above.

Respectfully submitted,

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